



Legislative Research Council

RULES REVIEW COMMITTEE AGENDA

Senator Jean M. Hunhoff, Chair
Representative R. Shawn Tornow, Vice Chair

Three hundred fifteenth meeting
Tuesday
July 12, 2011

Room 414
State Capitol
Pierre, South Dakota

Other DDN Site Locations:

Northern State University
1200 S. Jay St., Room Lib 117
Aberdeen, South Dakota

Department of Human Services
2361 Dakota Ave. S
Huron, South Dakota

Mitchell Technical Institute
1800 E. Spruce, Room TC 155
Mitchell, South Dakota

SD School of Mines & Technology
501 E. St. Joseph St., Room CB 109
Rapid City, South Dakota

University Center
2205 Career Ave., Room 282 S
Sioux Falls, South Dakota

Department of Transportation
1306 W. 31st St.
Yankton, South Dakota

**Agencies are asked to have a representative present at the meeting
to give background information on their rules.**

9:00 a.m.* Call to order, roll call, approval of minutes, staff report

Review of proposed rules

Senator Hunhoff

Department of Health: Division of Health and Medical Services – Amend rules to revise the South Dakota reportable disease list, reduce reporting of latent tuberculosis infection to high-risk individuals only, and inventory the infectious agents for submission.

Senator Buhl

Department of Labor and Regulation: Division of Insurance – Adopt an EMERGENCY rule to establish open enrollment periods for those under age 19 to have access to health insurance without medical underwriting. (*For informational purposes only – no committee action will be taken.*)

Representative Gibson

Department of Environment and Natural Resources: Board of Water and Natural Resources – Amend rules to redistrict the director areas of seven water development districts and repeal rules due to the end of the American Recovery and Reinvestment Act (ARRA).

Representative Hunt

Bureau of Personnel: Career Service Commission – Amend rules to clarify that the definition of "immediate family" includes step-brothers and step-sisters; clarify that a "temporary employee" is not entitled to benefits or other status rights; set time limits on the length of time that an employee is designated as "severely disabled," for purposes of the disability preference used by the Bureau of Personnel when the appointing authority must interview an applicant; revise outdated terminology; clarify that falsifying a time sheet is grounds for disciplinary action even without specific intent; clarify the criteria used in a layoff, the approval process by the Bureau of Personnel, and repeals the rule allowing an appeal of a layoff; update the terminology relative to the accrual, and allowed use of vacation leave, sick leave, and personal leave; and clarify that an appointing authority is not required to give prior notice to an employee of a furlough.

Bureau of Personnel – Repeal rules governing the Governor's Senior Prescription Drug Program of 2003.

Department of Labor and Regulation – Amend Unemployment Compensation rules to repeal obsolete provisions, clarify when unemployment insurance claims are effective, and modify the requirement to search for new employment when receiving benefits

Senator Vehle

Department of Game, Fish and Parks – Adopt an Application for License rule to establish a rule authorizing antlerless deer licenses established by SDCL 41-6-19.8 to be issued to qualifying farmers and ranchers for use in the West River, East River, Youth, Archery, and Muzzleloading deer hunting units where at least one antlerless deer tag is available after the second lottery drawing from the previous year's East River and West River deer seasons; amend a License Forms and Fees rule to increase by \$90.00 the license fee for all nonresident big game licenses that are valid for the taking of a buck; adopt a Hunting Requirements and Prohibited Methods rule to establish air gun ammunition and performance specifications for hunting cottontail rabbit, squirrel, and species defined as a predator/varmint; amend Fall Wild Turkey Hunting Season rules to establish the number of licenses available; amend Waterfowl Hunting Seasons (Goose Hunting Season – August Management Take) rules to expand the open area to include Hanson, Lincoln, and Union counties, and remove the possession limit of 32 Canada geese; amend Black Hills Deer Hunting Season rules to establish the number of resident and nonresident licenses available; amend West River Prairie Deer Season rules to establish the number and types of resident and nonresident licenses/tags available, and repeal the rule which designates areas where free antlerless deer licenses can be issued to farmers and ranchers for use in West River deer hunting units, add three Limited Access Units to the West River Deer Hunting Season, combining two units and revising three units; amend Archery Deer Hunting Season rules to adjust the start date for Sand Lake NWR from November 1 to the third Saturday in October, adjust the end date for Waubay Lake State Game Refuge and Waubay NWR from January 15 to December 31, add Yankton County to those restricted areas where only one single "any antlerless deer" license is valid, and eliminate antlerless deer licenses in the

Black Hills Fire Protection District; amend an Archery Antelope Hunting Season rule to establish the types of resident and nonresident licenses/tags available; amend a Youth Deer Hunting Season to allow hunters to purchase up to two youth deer licenses, with only one youth deer license valid within the Black Hills Fire Protection District; amend a General Muzzleloading Deer Hunting Season rule to add Yankton County to those restricted areas where only one single "any antlerless deer" license is valid and eliminate antlerless deer licenses in the Black Hills Fire Protection District; amend Furbearer Season rules to shorten the period in which a hunter or trapper harvesting a bobcat after the close of the season must notify a conservation officer or wildlife damage specialist to within 24 hours of harvest, clarify that once a bobcat pelt has been registered and tagged by the department, the tag only pertains to raw pelts (tanned pelts or mounted bobcats will not be required to have a department tag attached); change season dates for mink, weasel, muskrat, beaver, raccoon, and bobcats, and prohibit muskrat trapping on Sand Lake National Wildlife Refuge and Waubay National Wildlife Refuge; amend a Trapping Prohibitions (Water-sets prohibited – exceptions) rule to allow persons West River (excluding the Black Hills Fire Protection District south of Interstate 90 and west of SD Highway 79) to use body grip or killer type traps (as water sets) within 30 feet of water to remove unwanted beavers; and amend Private Shooting Preserves rules to change all references to "operator" to "permittee" and clarify that mandatory attendance at the annual training and information meeting is only required for new preserve permittees.

Department of Game, Fish and Parks – Adopt an EMERGENCY rule to amend ARSD 41:07:06:03.01 for the purpose of canceling the 2011 Archery Paddlefish Season. *(For informational purposes only – no committee action will be taken.)*

Department of Transportation – Amend a speed zone in Sioux Falls on Interstate Highway 90 to reduce the speed limit to 65 mile per hour west of the new Marion Road interchange; amend a speed zone in Sioux Falls on Interstate Highway 229 to reduce the speed of vehicles at the approach to the Interstate 90 entrance ramps; adopt a new speed zone in Sioux Falls on Interstate Highway 229 to provide a step-down speed approaching the existing Minnehaha County Road 125; amend a speed zone in the town of Lake Norden in Hamlin County on State Highway 28 to reduce speeds adjacent to commercial and residential areas in the city limits and the curves near the lakes; and repeal a speed zone in Minnehaha County on Interstate Highway 229 that is being incorporated into the new 70:01:02:00(5).

11:00 a.m. Adjourn

*Break will be at the call of the Chair.

NOTE: A copy of the proposed rules being reviewed at the meeting may be obtained without charge by contacting the department, board, or commission.

Members: Senators Angie Buhl, Jean M. Hunhoff, and Mike Vehle; and Representatives Roger W. Hunt, Peggy Gibson, and R. Shawn Tornow.

NOTE: Individuals needing assistance, pursuant to the Americans with Disabilities Act, should contact the Legislative Research Council (605/773-3251) in advance of the meeting to make any necessary arrangements.



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